

Women's Commission

**The Fourth Report of the Hong Kong Special Administrative Region
under the Convention on the Elimination of All Forms of
Discrimination against Women**

Purpose

This paper sets out the arrangements for the hearing of the fourth report of the Hong Kong Special Administrative Region (HKSAR) on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). HKSAR's report forms part of the ninth periodic report of the People's Republic of China (PRC) under the CEDAW.

Background

2. The CEDAW has been applied in Hong Kong since 1996. Three reports of the HKSAR were submitted in 1998, 2004 and 2012 as part of the PRC reports (i.e. the combined third and fourth report, the combined fifth and sixth report, and the combined seventh and eighth report). The UN Committee on the Elimination of Discrimination against Women (the Committee) considered the reports in 1999, 2006 and 2014 respectively.

3. In line with the established arrangements, the HKSAR's fourth report forms part of the PRC's ninth periodic report under the CEDAW. In September 2018, the HKSAR Government submitted its fourth report, which contained its response to the issues set out in the Committee's Concluding Observations on the third report, to the Central People's Government (CPG) for its onward submission to the Committee.

4. In April 2021, the Committee issued a list of issues (LoIs) to be considered in relation to the PRC's ninth report, including a total of 12 issues relating to the HKSAR's fourth report (**Annex A**) as shown below:

- (a) Measures to support women during the pandemic;
- (b) Sex-disaggregated statistics;
- (c) Situation of women taking up decision-making positions at all levels;
- (d) Measures to monitor, review and assess the efforts made to eliminate gender stereotypes;
- (e) Handling of sexual offences;
- (f) Legislations and actions combatting human trafficking and prostitution;
- (g) Women's right to participate in politics and demonstrations;
- (h) Education of girls and women;
- (i) Equal treatment in employment and retirement (including statutory maternity/paternity leave and the rights of foreign domestic helpers);
- (j) Education in family planning, sexual and reproductive health;
- (k) Handling of sexual minorities with sensitivity and equity; and
- (l) Review of the reasonableness of the minimum marriage age.

5. Regarding the issues raised by the Committee in the LoIs, the HKSAR Government has provided detailed information and data, clearly explained our position, and dispelled the Committee's concerns and misunderstanding. The HKSAR Government has clearly pointed out that it will continue to protect women against all forms of discrimination, injustice or violence in accordance to the CEDAW.

6. The HKSAR Government's written responses to the LoIs (**Annex B**) was submitted to the CPG in December 2022, which have been incorporated into the CPG's written responses to the LoIs and submitted to the Committee.

Meeting Arrangements

7. The Committee will consider the PRC's ninth periodic report (incorporating the HKSAR's fourth report) at its 85th session, which is tentatively scheduled for 12 May 2023. A delegation from the HKSAR Government will attend the meeting as part of the Chinese delegation.

8. As always, we will resolutely and clearly explain to the international community the progress made in women's development in Hong Kong, and strive to do our best in publicity work. If there are any false allegations, we will present strong justification in making cogent clarification and rebuttals. The HKSAR Government will also take the opportunity to tell the good stories of Hong Kong, showcasing to the international community that Hong Kong is now at a new stage advancing from stability to prosperity.

9. Members are invited to note the contents of this paper.

Home and Youth Affairs Bureau

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Convention on the Elimination of All Forms of Discrimination against Women

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(Note: This document is of reference only and does not imply that the HKSAR Government agrees with the opinion and figures cited in the list of issues and questions. **The parts in relation to the HKSAR are bolded.**)

Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the ninth periodic report of China*

Women's rights and gender equality in relation to the pandemic and recovery efforts

1. In line with the Committee's [guidance note](#) on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate the measures implemented by the State party: to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies; and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. **Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts: effectively address and are aimed at preventing gender-based violence against women and girls; guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, particularly in the design and implementation of recovery programmes; and are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic.** Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit the access of women and girls, including those belonging to disadvantaged and marginalized groups, to justice,

* Adopted by the pre-sessional working group on 5 March 2021.



shelters, education, employment and health care, including sexual and reproductive health services.

Legislative framework

2. It is stated in paragraph 16 of the report¹ that discrimination against women is still not specifically defined in legislation. Please inform the Committee about specific action taken to adopt a comprehensive definition of discrimination against women in national legislation in order to protect women, in particular ethnic minority (Uighur) women, from both direct and indirect discrimination, in line with article 1 of the Convention. Please provide information about the separate legislation that prohibits direct and indirect discrimination against women. Please inform the Committee of the number of cases of discrimination against women addressed by the relevant authorities under each of those individual laws. Please provide information on the main activities undertaken by the mechanism established for gender equality-based review of laws and policies (para. 17) and by the provincial mechanisms for a gender equality-based evaluation of regulations and policies (paras. 18 and 28).

Data collection

3. **Please provide information on the measures taken to collect, share and disseminate sex-disaggregated data in order to evaluate the impact and effectiveness of policies and programmes in terms of gender equality and women's rights.** Please inform the Committee whether the new fourteenth five-year development plan includes gender-responsive data disaggregated by sex, age and disability.

National human rights institution

4. Please provide information on the measures taken to establish an independent human rights institution for China and Macao, China, to promote and protect human rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as previously recommended by the Committee.

National machinery for the advancement of women

5. Please inform the Committee whether the National Working Committee on Children and Women, established in January 2019 (para. 30), has a mandate to conduct gender-impact assessments of laws and implement gender equality policies. Please provide information on cooperation between the Working Committee and civil society, including during the 2016 midterm evaluation of the Programme for the Development of Chinese Women (2011–2020). Please provide information on the measures taken or envisaged to establish a mechanism for the implementation of concluding observations, taking into account the four key capacities of a national mechanism for reporting and follow-up: engagement, coordination, consultation and information management.

Temporary special measures

6. It is indicated in paragraph 36 that the Electoral Law of the National People's Congress and Local People's Congresses, as revised in 2015, stipulates that "deputies shall comprise an appropriate number of women, who shall account for an increasingly larger percentage". Please inform the Committee about measures taken to define the appropriate representation of women and the timeline for achieving such

¹ Unless otherwise indicated, paragraph numbers refer to the ninth periodic report of the State party.

representation. Please also inform the Committee about the extent to which article 25 of the Organic Law of the Villagers' Committees, stipulating that women "shall constitute no less than one third of the membership of the villagers' assembly", is implemented in practice throughout the country and whether there is an implementation plan with time-bound targets. **Regarding Hong Kong, China, please inform the Committee about the measures taken to accelerate the representation of women in decision-making positions at all levels.**

Stereotypes and harmful practices

7. Please inform the Committee about the measures taken to regularly monitor, review and assess the impact of the efforts made to eliminate gender stereotypes, and about the government entity responsible for those measures. It is stated in paragraph 44 that, in order to curb the increasing imbalance in the sex ratio at birth to the disadvantage of girls, "countrywide special operations have been conducted to hold entities and individuals involved in these practices accountable in accordance with the law". Please inform the Committee how these measures take women's rights into consideration and do not result in further abuse and discrimination against women.

Gender-based violence against women

8. In relation to paragraphs 21 and 22, please provide information on the number of reported cases of violence against women, including domestic and sexual violence, and the number of offenders prosecuted and punished, disaggregated by offence. Please clarify how the reform of family trials referred to in paragraph 23 effectively protects women's rights and ensures that criminal legislation is applied to cases of domestic violence against women. It is stated in paragraph 46 that, "by the end of 2018, courts in China had issued 3,718 restraining orders, effectively curbing the occurrence of domestic violence". Please provide updated information on the number of protective orders requested from the courts. Please provide information about the availability of sufficient and adequately equipped shelters for women who are victims of violence at the local level. In relation to Macao, China, please provide information about the measures taken to address the lack of evidence when investigating cases of violence against women, as well as when prosecuting and punishing perpetrators. **Regarding Hong Kong, China, please provide information on the review of legislation on sexual offences, including the definition of rape, to align it with international standards. Please provide detailed information about the status of the complaints filed by women against police officers for sexual violence, including rape, excessive use of force and abuses while in detention. The data should include the number of cases reported and investigated, the number of perpetrators prosecuted and the sanctions applied. Please also inform the Committee about the measures in place to guarantee the independence and effectiveness of the Complaints against Police Office and the Independent Police Complaint Council.**

Trafficking and exploitation of prostitution

9. Please provide updated information on the prevalence of trafficking in persons throughout the territory of the State party. Please provide data, disaggregated by sex and age, on trafficking in women and girls, including with regard to the number of victims, cases investigated, offenders prosecuted, sanctions issued and assistance, including shelters and rehabilitation services, provided to victims. Please inform the Committee about the main results concerning women and girls of the action plan for combating trafficking in persons (2013–2020) (para. 53). In relation to paragraph 56, please provide information on the number of

women and girls who received legal aid and psychological counselling for victims of trafficking and assistance and reintegration services. Please inform the Committee about the measures taken to provide compensation to women in prostitution who were subjected to re-education through labour and to abolish the custody and education programme to avoid the arbitrary detention of women in prostitution.

10. Regarding Hong Kong, China, it is stated that the State party does not plan to extend the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime to Hong Kong, China (CEDAW/C/CHN-HKG/9, para. 49). Please provide information on the measures taken to provide adequate protection and redress to women and girls who are victims of trafficking. Please also provide information on the measures taken to address the root causes of trafficking in women and girls, to undertake a comprehensive study with a view to collecting data on the extent and forms of such trafficking and to adopt comprehensive anti-trafficking legislation. Please also provide information on the measures taken to protect women in prostitution from abuse, exploitation and violence by clients and to make exit programmes available.

Participation in political and public life

11. The data provided indicate that women, including women from ethnic minorities and women with disabilities, remain seriously underrepresented in legislative bodies, decision-making positions and public institutions at both the central and local levels (paras. 60–61, 63 and 65). Please inform the Committee about the measures taken to accelerate women's full and equal participation in elected and appointed bodies, including in decision-making positions at all levels. Please provide information about the investigations conducted into cases of violence and abuse against women who stand for election as independent candidates, and about the prosecution and punishment of perpetrators.

12. Regarding Hong Kong, China, please provide information on the measures taken to expedite the representation of women in politics. Please also provide information on the measures taken to protect women and girls from violence and harassment when participating in peaceful demonstrations, particularly during the protests in 2019.

Women human rights defenders and women's non-governmental organizations

13. Please provide information about the measures taken to ensure that women human rights defenders may provide information to the Committee without fear of reprisals, the investigation into allegations of State censorship of reports submitted by non-governmental organizations to the Committee and the measures taken to enable direct registration of non-governmental organizations without sponsorship.

Education

14. It is stated in paragraph 75 that special measures were taken to prevent rural girls from dropping out of compulsory education. Please provide updated data on the rate of completion of compulsory education for girls living in rural areas, including girls whose parents migrated to urban areas, and for Tibetan and Uighur girls. Please also provide information on the provision of mother tongue education to non-Chinese-speaking students. Please inform the Committee about measures taken to increase the participation of women in government-subsidized vocational training, which according to paragraph 80 of the report stands at 39.92 per cent. Please provide data on the percentage of girls and women with disabilities with access to education, disaggregated by level of education and by whether the education is separate or

inclusive. Please inform the Committee about measures taken to ensure that bilingual education in the Xinjiang Uighur Autonomous Region guarantees the right of Uighur girls to be taught in their mother tongue and to learn about their culture and religion. Please provide information about the ban on the use of the Uighur language in schools in Hotan Prefecture, in a school in Kashgar and in Kalpin County in Aksu.

15. Regarding Hong Kong, China, please provide information on the percentage of girls and women in schools, disaggregated by year and by whether the schools are public sector ordinary schools or special schools.

Employment

16. Please inform the Committee about the measures taken to adopt legislation enforcing the principle of equal pay for work of equal value in order to reduce the gender pay gap. Please provide information on efforts made to equalize the retirement age between men and women and ensure equality with regard to old-age pensions. Please clarify whether the Circular on Further Regulating Recruitment Practices to Promote Women's Employment (para. 92) establishes employer liability for sexual harassment in the workplace. Please inform the Committee whether the Civil Code, adopted in May 2020, provides clear guidelines for the implementation of the provisions to combat sexual harassment at work and protect women victims. Please indicate how the Circular addresses maternity-related gender discrimination in employment. Please specify what work is prohibited for women (para. 91) and what the family planning requirements mentioned in paragraph 93 are. According to information before the Committee, women disproportionately carry out housework, which affects their economic participation. Please inform the Committee about measures taken to address this imbalance. Please provide information on measures taken to independently investigate reports of forced labour among Uighur women, particularly in the textile, apparel production and cotton-picking industries. According to information before the Committee, only domestic workers who have labour contracts with domestic service companies are protected under the Labour Law of 1994. As 90 per cent of domestic workers do not have such contracts and women account for 96 per cent of domestic workers, please inform the Committee how the labour rights of women domestic workers are protected.

17. Regarding Hong Kong, China, please provide information on the results of the review on improving statutory maternity leave (CEDAW/C/CHN-HKG/9, para. 89) and on the proposed increase of statutory paternity leave to five days (ibid., para. 91). Please provide information about the work of the Labour Department Division dedicated to foreign domestic helpers (ibid., para. 113).

Health

18. Please provide information on the measures taken to provide free, friendly and confidential family-planning measures to all women, regardless of their marital status and age, and on the measures taken to provide comprehensive sexual and reproductive health education in schools. Please also provide information about non-coercive measures taken to protect and promote the sexual and reproductive health rights of Uighur women, including the right to freely decide on the number of children that they have, and about measures taken to investigate the reports of alleged coercive family planning practices in the Xinjiang Uighur Autonomous Region. Please provide updated information on the number of women living with HIV for the past three years, disaggregated by year, and on the measures taken to eliminate institutional discrimination in relation to those women in health-care settings. Please provide information about the measures taken to abolish illegal practices such as forced abortion and forced sterilization.

Rural women

19. According to information before the Committee, a high proportion of women in rural areas, particularly in northern China, do not have contracted land or homestead rights. Please provide updated information in this regard. Please inform the Committee about the number of instances in which the township-level government has annulled a decision by the villagers' assembly that violated women's rights, or of any other mechanism available for reviewing or appealing against the rules of villagers' assemblies. Please provide information about specific action taken to promote women's participation in the design and implementation of national policies on climate change and disaster risk reduction, in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

Lesbian, bisexual, transsexual and transgender women

20. Please provide information about the measures taken to combat discrimination against lesbian, bisexual, transsexual and transgender women in employment and education and in terms of access to health-care services.

Marriage and family relations

21. According to information before the Committee, about a quarter of land certificates do not include women's names, even though the policies on land titling and registration explicitly require such inclusion. In addition, only a very small percentage of women in farming households are registered as household representatives. As the issuance of land certificates by the Ministry of Agriculture approaches its end, please provide information on measures available or envisaged to ensure that rural women's right to land is effectively recognized. **Regarding Hong Kong, China, and the recommendation to raise the minimum age of marriage to 18 years, please provide information on the results of the study commissioned through the Family Council in June 2018 (CEDAW/C/CHN-HKG/9, para. 163).**

Women in detention

22. Please inform the Committee about measures taken to reduce the number of women in detention, including in extralegal detention facilities and so-called "re-education" camps, and to address gender-based violence and torture against those women. Please provide data on women in detention disaggregated by age, ethnic origin, type of facility, reason for detention and length of detention. Please provide information on measures taken to ensure respect for legal procedures in case of arrest or detention, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

**The Hong Kong Special Administrative Region Government's
Response to the List of Issues and Questions Raised by the
United Nations Committee on the Elimination of Discrimination
against Women in relation to the Ninth Periodic Report of
the People's Republic of China**

**Women's rights and gender equality in relation to the pandemic and
recovery efforts**

Paragraph 1

The measures in place to ensure that all COVID-19 crisis response and recovery efforts:

- effectively address and are aimed at preventing gender-based violence against women and girls;
- guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, particularly in the design and implementation of recovery programmes; and
- are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic.

1. In view of the outbreak of COVID-19 pandemic, the Hong Kong Special Administrative Region (HKSAR) Government rolled out large-scale Anti-epidemic Fund (AEF) in 2020 to, among other things, provide suitable relief to businesses and individuals hard-hit by the pandemic or more seriously by the anti-epidemic measures. The total commitment of all AEF measures is around HK\$250 billion. In particular, the special allowance under the Working Family Allowance and Student Financial Assistance provided relief to low-income household which could benefit the female members of the low-income families. The asset limits of the Short-term Food Assistance Service Projects have also been relaxed during the pandemic to help individuals and families who have difficulties in coping with their daily food expenditure. In addition, the Government introduced the Special Scheme of Assistance to Unemployed to assist the unemployed (including women) facing temporary financial hardship and

launched the “Temporary Unemployment Relief” to grant a one-off subsidy to the temporarily unemployed (including women) due to the fifth wave of the pandemic. At the same time, the Government launched the “Employment Support Scheme” in both 2020 and 2022 to provide time-limited financial support to employers to retain employees, regardless of gender, who may otherwise be made redundant. While these relief measures are not confined to women (as any applicant/ household meeting the eligibility criteria can apply), women stand to benefit substantially from these measures as women are usually the ones who take up the carer’s role of looking after the daily life of household members.

2. To encourage and boost local consumption and to relieve people’s financial burden, the Government further announced in February 2020 the Cash Payout Scheme, issuing HK\$10,000 to Hong Kong permanent residents aged 18 or above. To add further impetus to the recovery of the economy, the Government announced in February 2021 the issue of electronic consumption vouchers in instalments with a total value of HK\$5,000 to each eligible Hong Kong permanent resident and new arrival aged 18 or above, so as to encourage and boost local consumption. The fifth wave of the local epidemic broke out in early 2022. In response, the Government rolled out various measures in the *2022-23 Budget* to alleviate the economic pressure of members of the public under the epidemic. These included the issue of a new round of electronic consumption vouchers in instalments with a total value of HK\$10,000 to each eligible Hong Kong permanent resident and new arrival aged 18 or above. The measures mentioned above have no gender restriction. Again, these relief measures are not confined to women (as any applicant/ household meeting the eligibility criteria can apply), yet women should also stand to benefit substantially from these measures.

3. During the epidemic, whether learning at home or attending face-to-face classes at school, students have more opportunities to study through e-learning or blended mode of learning and teaching. To strengthen the support to financially needy primary and secondary students, the Government provided subsidies for purchasing mobile computer devices and portable Wi-Fi routers and/or mobile data cards. A one-stop parent education website was also launched to assist parents to support children’s learning at home, establish a good parent-child relationship and nurture

children's physical and mental development during the suspension of face-to-face classes. To relieve the burden of carers who are mostly women, kindergartens as well as, primary and secondary schools were requested to remain open to look after those students who lack carers to take care of them during the periods of suspension of face-to-face classes or half-day schooling, whilst the day care centres and home-based community care services for the elderly have also continued during the pandemic.

4. The HKSAR Government has implemented a wide range of preventive, supportive and specialised services for access by victims of sexual violence, domestic violence and child maltreatment, including women and girls. The territory-wide Family and Child Protective Services Units (FCPSUs), comprising experienced social workers, are specialised in handling cases involving child protection and spouse/cohabitant battering. FCPSUs adopt a cross-disciplinary model to provide support to victims and their families to tide over the difficulties and mitigate the trauma brought by the violence incident and help them restore a new living. Upon receipt of a referral, the designated social worker of FCPSU will assess the situation and service needs of the case, and provide a coordinated package of one-stop services for the victim and the family concerned, including crisis intervention, short-term accommodation (e.g. refuge centres or other crisis intervention centres), counselling service, clinical psychological treatment, medical services, housing assistance and financial assistance, etc. Where needed, the social worker will also assist the victim to seek legal protection through application for an injunction order under the Domestic and Cohabitation Relationships Violence Ordinance or initiating the application for a care or protection order under the Protection of Children and Juveniles Ordinance to protect the child(ren) concerned. For cases suspected to involve criminal offence, the social worker will report the case to the Police at the same time. The Victim Support Programme for Victims of Family Violence provides support to victims of domestic violence undergoing judicial proceedings, including accompanying the victims to go through the legal procedures.

5. The Refuge Centres for Women and the Family Crisis Support Centre provide residential places to individuals/ families facing domestic violence or in crisis. In addition, the Multi-purpose Crisis Intervention

and Support Centre (i.e. CEASE Crisis Centre) provides crisis intervention and support services, and liaises with relevant social and medical service units for victims of sexual violence and domestic violence as well as individuals/ families who are in crisis or distress. In handling cases of sexual violence, the CEASE Crisis Centre follows the principle of providing “one-stop” service and adopts a comprehensive, multi-disciplinary service model, including 24-hour outreaching services/ immediate support, counselling services, assistance in arranging medical treatment and forensic examination and reporting to the Police, etc. When a referral of sexual violence case is received by the CEASE Crisis Centre, the designated social worker will provide appropriate services immediately, including attend to the victim at the place where the victim locates and accompany the victim to go through all the necessary procedures in a convenient, safe, confidential and supportive environment in order to minimise the need for the victim to repeat accounts of the unpleasant experience.

6. During the pandemic period, the services mentioned above, including 24-hour/ emergency services, have maintained normal operation. The public are also encouraged to report cases with violence risk through the 24-hour hotline.

Data collection

Paragraph 3

Information on the measures taken to collect, share and disseminate sex-disaggregated data in order to evaluate the impact and effectiveness of policies and programmes in terms of gender equality and women’s rights.

7. The Census and Statistics Department (C&SD) has regularly collated and compiled a variety of sex-disaggregated statistics through multiple sources including population censuses/ by-censuses, regular and ad hoc surveys and administrative data from other government departments. These statistics help reflect the participation of Hong Kong’s women and men in economic activities, labour force, education and training, public affairs; as well as their living conditions, earnings, social welfare, medical

and health, traffic and transport, usage of information technology, etc. These statistics are published in the annual statistical publication entitled “Women and Men in Hong Kong – Key Statistics” as well as a thematic webpage of C&SD website.

8. To help the public understand the latest position and trends of women’s development in Hong Kong, the Women’s Commission (WoC), as established by the HKSAR Government, publishes “Hong Kong Women in Figures” every two years to reveal changes and development of women in Hong Kong. It covers a wide range of areas, including demographic characteristics, marriage and family, education, employment, health, social and political participation, social security and welfare, violence and crime, use of information technology and international comparison. WoC published the latest issue of “Hong Kong Women in Figures” in 2022 which was distributed to both public and private sectors.

Temporary special measures

Paragraph 6

The measures taken to accelerate the representation of women in decision-making positions at all levels.

9. The HKSAR Government adopts a policy of equal opportunities in employment. There is no discrimination between male and female employees. Appointment to the Civil Service is based on the principle of open and fair competition. Our aim is to appoint “the best person for the job”. Gender is not a requirement or a factor for consideration in Civil Service recruitment and promotion. All eligible candidates of both genders are considered on an equal basis.

10. Over the years, female participation in the Civil Service has continued to increase steadily. The percentage of female staff in the Civil Service has risen from 37.8% in 2018 to 38.9% in 2021. Furthermore, the number of female directorate officers in the Civil Service has increased from 526 in 2018 to 565 in 2021. In December 2021, female civil

servants made up nearly 41% of top positions (directorate officers). In the sixth term Government of the HKSAR, among the 26 Principal Officials, six are female, which is about a quarter of the team, the ratio being the highest in government ever. As at 31 March 2022, 13 out of the 18 Permanent Secretaries (the most senior rank civil servants) were females.

11. Article 92 of the Basic Law provides that judges and others members of the judiciary of the HKSAR shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions. Gender is not a relevant consideration in judicial appointment. As at 30 November 2022, there were 61 females (i.e. 38%) out of a total of 161 Judges and Judicial Officers, compared to 54 females (i.e. 33%) in 2018.

12. In parallel, the HKSAR Government is committed to promoting gender mainstreaming to ensure that considerations are given to the perspectives and experience of both women and men in the design, implementation, monitoring and evaluation of all legislation, policies and programmes, and that both sexes have equal opportunities and equitable access to, and benefit from, society's resources and opportunities. Since 2015-16, all Government bureaux and departments have been required to refer to the Gender Mainstreaming Checklist (the Checklist) and apply gender mainstreaming when formulating major government policies and initiatives (including policies and initiatives related to the pandemic). So far, the Checklist has been applied to over 1 400 policy or programme areas.

13. The HKSAR Government appoints non-official members to advisory and statutory bodies (ASBs) on merit basis and spares no effort in promoting women's participation in ASBs. Since 2004, the HKSAR Government has introduced a 25% gender benchmark for appointing female members to Government ASBs as a working target. Having achieved the 25% gender benchmark in 2005 and the 30% gender benchmark in 2011, the HKSAR Government announced to further raise the gender benchmark to 35% in 2015. As at June 2022, the overall participation rate of women in the appointment of non-official members to the ASBs was 36.1%.

14. The Government has also established a 300-strong cross-sectoral network of Gender Focal Points in all bureaux and departments of the Government, as well as among listed companies and in the social welfare sector. Gender Focal Points serve as resource persons and help raise awareness and understanding of both private and public sectors on gender-related issues, and help implement gender mainstreaming in Hong Kong.

15. The Hong Kong Exchanges and Clearing Limited (HKEX) is committed to promoting gender diversity among listed companies. Since the concept of board diversity was first introduced in its corporate governance framework in 2013, HKEX has implemented different measures to drive forward diversity in the boardroom and workforce across its market. From 2019 onwards, all listed companies are required to have a board diversity policy, and to disclose information related to gender diversity matters, such as workforce figures and turnover rate by gender and by age group. For listing applicants with a single gender board, they are required to explain in the prospectuses the measures they have put in place to achieve gender diversity.

16. To further promote gender diversity of the board of directors and workforce of listed companies, HKEX introduced a series of amendments to the Corporate Governance Code and the Listing Rules in January 2022 after consulting the market. Under the revised regulations, all new initial public offering applicants with listing applications filed on or after 1 July 2022 are required to identify at least a director of a different gender, while existing single gender board issuers must appoint a director of a different gender no later than 31 December 2024. With effect from January 2022, issuers are also required to conduct an annual review of their board diversity policy, and set targets and timelines to monitor their diversity progress. In addition, issuers need to disclose their workforce gender ratio, as well as their plans or measureable objectives for achieving gender diversity.

Stereotypes and harmful practices

Paragraph 7

The measures taken to regularly monitor, review and assess the impact of the efforts made to eliminate gender stereotypes, and about the government entity responsible for those measures.

17. The HKSAR Government has spared no effort in promoting the Elimination of All Forms of Discrimination against Women (the Convention). WoC has constantly introduced public education and publicity programmes to tackle society's preconceived notions on the roles and stereotypes of women, including:

- the “Gender Differences” photography competition in 2016 for secondary students to enhance the younger generation's gender awareness and sense of gender equality;
- the “Unleashing Women's Potential for All-Round Development” Conference in 2017 for over 600 participants to discuss and exchange views on promotion of women's all-round development and gender equality internationally and locally so that both genders could unleash their potential and talents on a level playing field;
- the territory-wide roving exhibition at public libraries, community centres, universities, Government buildings, shopping malls and railway stations across all 18 districts in Hong Kong from March to November 2018 to enhance public understanding of the Convention including the concept of gender mainstreaming to eliminate gender stereotyping in society;
- the roving exhibition from February to July 2019 to continue to promote gender mainstreaming and gender equality in Hong Kong;
- the production of animated short films on “Family”, “Labour and Employment”, “Education” and “Social Participation” since 2020 to raise children's awareness of gender equality and disseminate clear messages against stereotype of women's role in families, workplace, schools and society. The animated short films have been uploaded onto the dedicated webpage of the Convention for public information; and

- the talks at schools since September 2022 to promote the Convention to younger student groups.

18. The Equal Opportunities Commission (EOC) continues to promote gender equality through various education programmes and initiatives. The passage of the Discrimination Legislation (Miscellaneous Amendments) Bill 2018 in June 2020 and the Sex Discrimination (Amendment) Bill 2020 in March 2021 has enhanced the protection against sexual harassment in common workplaces and has provided new protection from discrimination and harassment of breastfeeding women under the Sex Discrimination Ordinance (Cap. 480). EOC has produced a series of publicity initiatives to educate the public about the legislative amendments, including TV and radio announcements of public interest, advertisements in Mass Transit Railway, arranging media interviews and issuing articles, leaflets and publications such as “Leaflet on Harassment in Common Workplaces” and “Guidance and Leaflet on Breastfeeding Discrimination and Harassment in Employment and Related Sectors”. From 2018 to November 2022, EOC also conducted 1 944 training courses on anti-discrimination legislations which were delivered to over 104 800 participants from Government departments, schools, business, community groups, NGOs and other organisations.

19. Regarding the control of pornography and sex discriminatory elements in the media, the position has been explained in paragraph 33 of Article 5 of the fourth report and as explained in paragraphs 49 to 50 of Part II of the second report and paragraph 84 of the third report. The Control of Obscene and Indecent Articles Ordinance is enforced by the Office for Film, Newspaper and Article Administration (OFNAA), Customs and Excise Department and the Police while the Film Censorship Ordinance is enforced by OFNAA.

20. The Crimes (Amendment) Ordinance 2021 came into effect in October 2021, introducing new offences of voyeurism, non-consensual recording of intimate parts, publication of images originating from voyeurism or non-consensual recording of intimate parts and publication or threatened publication of intimate images without consent. Guided by the principle of gender neutrality, the proposed offences are equally applicable to all genders. In particular, the definitions of “intimate acts”

and “intimate parts” in the proposed offences cover breasts irrespective of gender. This notwithstanding, we note that women are generally more likely to be victims of clandestine photography (i.e. upskirting/downblousing photos) and revenge porn. The new offences provide better protection to vulnerable groups against sexual violence and protect their right to privacy and sexual autonomy.

Gender-based violence against women

Paragraph 8

Please provide:

- information on the review of legislation on sexual offences, including the definition of rape, to align it with international standards;
- detailed information about the status of the complaints filed by women against police officers for sexual violence, including rape, excessive use of force and abuses while in detention. The data should include the number of cases reported and investigated, the number of perpetrators prosecuted and the sanctions applied; and
- the measures in place to guarantee the independence and effectiveness of the Complaints against Police Office and the Independent Police Complaint Council.

21. The Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child apply to the HKSAR. The HKSAR Government will continue to protect women from all forms of violence according to the relevant international human rights treaties.

22. For every sexual violence case, the Police conduct full investigation, protect the victim's rights and safety, and alleviate the stress and psychological trauma faced by the victim when assisting in the investigation. The Police handle all sexual violence cases with a serious

and sensitive professional attitude. During investigation of sexual violence cases, the Police take various measures to ensure that the rights and safety of the victims are fully safeguarded.

23. The two-tier police complaints handling mechanism operates effectively under the Independent Police Complaints Council Ordinance (IPCC Ordinance) (Cap. 604) which ensures that every complaint against the Police is handled in a fair and impartial manner. As the first tier of the mechanism, the Complaints Against Police Office (CAPO), which operates independently of other Police units, is responsible for receiving and investigating complaints lodged by members of the public against police officers. The Police has developed a well-established system to ensure effective investigation by CAPO and adequate safeguards to ensure procedural fairness and impartiality. The second tier of the mechanism is the statutory Independent Police Complaints Council (IPCC) which monitors and reviews CAPO's handling and investigation of complaints independently and effectively under a wide range of powers conferred by the IPCC Ordinance.

- (a) CAPO is obliged under the IPCC Ordinance to submit an investigation report to IPCC for scrutiny and endorsement as soon as practicable after completing the investigation of a reportable complaint. If IPCC is of the view that there are deficiencies in the handling and investigation of a complaint, it may request CAPO to provide clarification or relaunch the investigation. Only when IPCC completely agrees that the complaint has been properly handled will it endorse the investigation report.
- (b) The IPCC can also interview complainants, complainees, witnesses or other relevant persons to assist Members in understanding the complaints and clarifying any matter in doubt. In addition, the IPCC monitors CAPO's investigations through the IPCC Observers Scheme, under which IPCC members and a wide pool of Observers undertake, on a scheduled or surprise basis, observations of the interviews and collection of evidence conducted by CAPO during investigation of reportable complaints. These safeguards have been operating effectively over the years to ensure that investigation processes are conducted in a fair and impartial manner. Besides, if IPCC identifies

any fault or deficiency in Police practice or procedure that has led to or might lead to a reportable complaint, they may make recommendations to the Commissioner of Police and the Chief Executive in respect of any complaint.

24. The Government considers that the existing two-tier police complaints system is a well-established and appropriate mechanism that ensures that public complaints against members of the police force are handled in an impartial and independent manner to safeguard the interests of the public. Cases involving criminal elements (including sexual offences) will be handled by the Police's criminal investigation teams in an impartial manner. The Police have performed professionally and fairly when handling criminal cases over the years.

25. Sexual violence is a serious allegation. The Government has appealed to the public that complainants should formally provide the Police with information to enable the Police to conduct a full investigation. This would not only protect the interests of the victim but also ensure that the complainee will not be falsely accused. It is important to ensure fairness to both the complainant and the complainee. As reported by media, there were occasions when people claimed that they had been sexually assaulted but were unwilling to contact the Police or provide information, making it impossible to verify the authenticity of these claims. It is an offence to provide false information or make a false report to the Police. However, a real victim will be duly protected by law and the Police also have a duty to protect the rights and interests of real victims.

26. The Law Reform Commission (LRC) of Hong Kong published in December 2019 a report on Review of Substantive Sexual Offences (the Report) making final recommendations for the reform of substantive sexual offences in the Crimes Ordinance (Cap. 200). These recommendations include the creation of a range of non-consensual sexual offences, for example, the creation of a new offence of "sexual penetration without consent" so as to replace the term "rape". In May 2022, the LRC published a further report on Sentencing and Related Matters in the Review of Sexual Offences making final recommendations on the penalties for various offences proposed in the Report; the reform and strengthening of treatment and rehabilitation services for sex offenders in Hong Kong; and

the optimisation of the Sexual Conviction Record Check Scheme. The Government will consider the LRC recommendations contained on these two reports in tandem.

Trafficking and exploitation of prostitution

Paragraph 9

Updated information on the prevalence of trafficking in persons throughout the territory of the State party. Please provide data, disaggregated by sex and age, on trafficking in women and girls, including with regard to the number of victims, cases investigated, offenders prosecuted, sanctions issued and assistance, including shelters and rehabilitation services, provided to victims.

27. Hong Kong has all along adopted a proactive and multi-pronged approach in combatting trafficking in persons (TIP). In March 2018, the HKSAR Government established a high-level inter-bureau/ departmental Steering Committee, chaired by the Chief Secretary for Administration, to provide high-level policy steer on actions against TIP. The Committee swiftly promulgated the Action Plan to Tackle TIP and to Enhance Protection of Foreign Domestic Helpers in Hong Kong (the Action Plan), comprising 14 new and 20 on-going measures that cover victim identification, investigation, enforcement, prosecution, victim protection and support, prevention and partnership building with different stakeholders. By end 2019, the Action Plan was fully implemented with all initiatives firmly in place.

28. Between 2016 and 2021, nearly 37 000 initial TIP victim screenings were conducted by the law enforcement agencies (LEAs) and Labour Department (LD), with only 40 victims of TIP identified (6 in 2016, 9 in 2017, 18 in 2018, 3 in 2019, 3 in 2020 and 1 in 2021). All of them were above the age of 18 and among them, 33 (or about 83%) were female. The very small number and percentage of victims identified have reinforced our observation all along that TIP has never been a prevalent problem in Hong Kong. On the other hand, LEAs had investigated/ arrested a total of 32 persons for involvement in the TIP-related cases.

Among them, two persons were convicted of the offence of “conspiracy to defraud” and one was convicted of the offence of “aiding, abetting, counselling or procuring the breach of condition of stay”.

29. The HKSAR Government will continue to provide necessary protection and suitable assistance, such as witness protection programme, shelter, medical services, psychological support and counselling, financial assistance, legal support, visa extension fee waiver, etc., to the victims in need (including minors), and will also offer them support to act as witnesses in legal proceedings and facilitate their return to their home country. Specific statistics on the protection and assistance provided to TIP victims are not maintained.

Paragraph 10

Information on the measures taken to provide adequate protection and redress to women and girls who are victims of trafficking; information on the measures taken to address the root causes of trafficking in women and girls, to undertake a comprehensive study with a view to collecting data on the extent and forms of such trafficking and to adopt comprehensive anti-trafficking legislation; and information on the measures taken to protect women in prostitution from abuse, exploitation and violence by clients and to make exit programmes available.

30. With an aim to prevent the exploitation of others for the purposes of prostitution, combat organised prostitution activities and reduce the nuisance to members of the public that vice activities may cause, the Crimes Ordinance (Cap. 200) stipulates various prostitution-related offences, including “solicitation for an immoral purpose”, “living on earnings of prostitution of others”, “controlling over persons for purpose of unlawful sexual intercourse or prostitution”, “keeping a vice establishment” and “letting premises for use as a vice establishment”. The maximum penalty of the above offences ranges from a fine of HK\$10,000 and imprisonment of 6 months to imprisonment of 14 years. The Police are responsible for taking enforcement actions against the above-mentioned offences, and particularly targeting at persons who control prostitutes and operate vice establishments.

31. Apart from the above-mentioned necessary protection and suitable assistance for TIP victims, victims have the right to seek redress by way of civil proceedings under appropriate circumstances. Victims have the right to seek compensation under the Criminal and Law Enforcement Injuries Compensation Scheme. Under section 73 of the Criminal Procedure Ordinance (Cap. 221) and section 98 of the Magistrates Ordinance (Cap. 227), the Court has the power to order a convicted offender to compensate the victim. On the other hand, as a general guiding principle, prosecutors are mandated to give due consideration to any TIP elements that may feature in any given case when deciding whether prosecution should be instigated or continued. Where appropriate, a witness may be granted immunity from prosecution according to the established legal principles and guidelines under the Prosecution Code.

32. While TIP has never been a prevalent problem in Hong Kong, we are equipped with a well-established legal framework to tackle different aspects of TIP. There are over 50 legal provisions against various TIP conducts which form a comprehensive package of safeguards comparable to composite TIP laws found in other jurisdictions. Relevant legal provisions provide LEAs the necessary power and authority to exercise flexibility when taking enforcement actions against such crimes in light of the circumstances of individual cases, instead of relying on a single piece of legislation. Some of the offences attract penalty of up to life imprisonment.

33. In addition, to tackle TIP and facilitate the implementation of the Action Plan, the HKSAR Government has since the 2019-20 financial year provided a recurrent funding of HK\$62 million annually to create 98 new posts in various departments. All relevant departments have appointed dedicated teams or designated focal points to handle TIP-related cases and monitor the latest trends, enhancing significantly the overall and inter-departmental coordination and enforcement efforts. Among others, anti-vice operations are carried out by the Police to combat sex-trafficking related activities. From 2016 to 2021, nearly 1 000 operations were mounted by the Police. LEAs will continue to remain vigilant in detecting TIP-related crimes.

Participation in political and public life

Paragraph 12

Information on the measures taken to expedite the representation of women in politics.
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34. Article 26 of the Basic Law stipulates that all permanent residents of the HKSAR shall have the right to vote and the right to stand for election in accordance with law. In HKSAR, women enjoy equal rights as men to vote and to stand for various public elections of the governance structure. Under the relevant legislation, a person's gender is not a criterion, either direct or indirect, to qualify a person as an elector or a candidate in elections.

Information on the measures taken to protect women and girls from violence and harassment when participating in peaceful demonstrations, particularly during the protests in 2019.
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35. In the HKSAR, the rights and freedoms of assembly and of procession are guaranteed under the Basic Law. Article 39 of the Basic Law states that the relevant provisions of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR. Article 4 of the National Security Law also clearly stipulates that human rights shall be respected and protected in safeguarding national security in the HKSAR; the rights and freedoms which HKSAR residents enjoy under the Basic Law and the provisions of ICCPR and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law. According to ICCPR, the rights of assembly and procession can be subject to restrictions provided by law, if they are necessary to protect national security, public order, public safety or the rights of others.

36. It should be noted that between June 2019 and early 2020, Hong Kong suffered from widespread violence, which substantially affected the daily lives of members of the public. The scale and level of violent illegal acts were unprecedented. Rioters recklessly vandalised shops, restaurants, public facilities, banks, metro stations and threw objects onto highways. They stored smuggled firearms and ammunitions, and made explosives. In the numerous violent incidents and clashes, rioters hurled over 5 000 petrol bombs and the Police seized over 10 000 petrol bombs. Public facilities were damaged at an unprecedented scale. Rioters attacked police officers, police family members and other members of the public, especially those with different political viewpoints. These violent and illegal acts severely endangered public order and public safety and could not possibly be accepted by any civilised society around the world. When violent and illegal acts occur, the Police must, in light of the actual situation, make a professional assessment and take appropriate actions to ensure public safety and public order, and to protect citizens' lives and properties. On the other hand, if the demonstrators express their views in a peaceful, lawful and orderly manner, there would be no need for Police to use any force to maintain law and order. The level of force to be used by police officers depends on the actual situation, including the threat and resistance faced by police officers under the circumstances at the time.

37. The Police have a set of stringent guidelines on the use of force which are consistent with international human rights norms and standards. Police officers may use minimum force as appropriate only when such an action is necessary and there are no other means to accomplish lawful duties. Before force is used, police officers will, where circumstances permit, give warnings to the gathering crowd, and give the person(s) involved every opportunity whenever practicable to obey police orders. Police will cease to use force once the purpose of using force is achieved.

38. For arrestees under the age of 18 who are not involved in serious offences, if they voluntarily and unequivocally admit the offence, the Police may consider adopting measures conducive to their rehabilitation, including the Police Superintendent's Discretion Scheme. The Police will also continue to facilitate the rehabilitation of juveniles to reduce recidivism through measures on various fronts.

39. Hong Kong is a society that upholds the rule of law and everyone is equal before the law. No one is above the law, and no one can breach the law without facing the legal consequences. The Police have always carried out their enforcement actions in a fair and impartial manner, regardless of the background, gender, occupation or political stance of the person(s) involved.

40. Regarding prevention of sexual harassment, EOC is determined to eliminate sexual harassment in accordance with the Sex Discrimination Ordinance (Cap. 480). To strengthen its work in this respect, EOC established a dedicated Anti-sexual Harassment Unit in 2020 to enhance its efforts in reviewing legal protection, providing a support platform for victims of sexual harassment, promoting anti-sexual harassment policies and measures amongst different sectors, and enhancing public understanding and alertness about sexual harassment through education and publicity campaigns.

Education

Paragraph 15

Information on the percentage of girls and women in schools, disaggregated by year and by whether the schools are public sector ordinary schools or special schools.

41. From 1978 to 2008, Hong Kong provided nine years of free and universal basic education (six years of primary education and three years of junior secondary education) through public sector primary and secondary schools. Since the 2008/09 school year, free education has been extended to the three senior secondary levels at public sector schools (i.e. 12 years of free and universal basic education), which further improves the overall educational attainments in Hong Kong. According to the Hong Kong mid-year Usual Resident figures regularly released by C&SD of the HKSAR Government, the percentage of females in the school-age population aged 6-11 (which is considered appropriate for primary education) remained between 48.0% and 48.5% in the past five years. The corresponding percentages in the school-age population aged 12-17 (which

is considered appropriate for secondary education) were between 48.6% and 49.1%. These figures are generally in line with the percentages of female students in primary and secondary schools.

Percentage of female students by sector and by level during the 2017/18 to 2021/22 school year

Sector / Level	School year				
	2017/18	2018/19	2019/20	2020/21	2021/22
Ordinary primary schools¹					
Public sector	47.6%	47.6%	47.6%	47.7%	47.8%
Non-public sector	49.8%	50.0%	49.5%	49.4%	49.0%
Ordinary secondary day schools²					
Public sector	48.9%	48.9%	48.8%	48.7%	48.6%
Non-public sector	47.5%	47.5%	47.7%	47.5%	47.8%
Special schools³					
Public sector	31.4%	31.0%	30.8%	30.6%	30.5%

Employment

Paragraph 16

The measures taken to adopt legislation enforcing the principle of equal pay for work of equal value in order to reduce the gender pay gap. Please provide information on efforts made to equalize the retirement age between men and women and ensure equality with regard to old-age pensions.

42. The concept of equal pay for work of equal value (EPEV) is addressed in the Sex Discrimination Ordinance (SDO) (Cap. 480). Under the SDO, it is unlawful to discriminate against an employee, on the ground of sex, in the terms and conditions of employment. Discrimination

¹ Figures generally refer to the position as at mid-September of the respective school years, except as at mid-October for the 2020/21 school year.

² Figures generally refer to the position as at mid-September of the respective school years, except as at mid-October for the 2020/21 school year. Figures do not include secondary day courses operated by private schools offering tutorial, vocational and adult education courses.

³ Figures refer to the position as at September of the respective school years. Figures for the Hospital School are not included in view of the transitional nature of its education programmes.

complaints under the SDO are handled by EOC.

43. Since EOC's establishment in 1996, it has worked persistently to promote the principle of EPEV and included the principle in the Code of Practice on Employment issued under the SDO. EOC further issued a set of clear guidelines to employers to enhance the public understanding on the concept of EPEV. In addition, EOC has arranged talks and workshops for employers, women's groups and other stakeholders on the subject of EPEV.

44. As regards retirement protection, the HKSAR Government launched the Mandatory Provident Fund (MPF) System in December 2000 in accordance with the Mandatory Provident Fund Schemes Ordinance (Cap. 485), with an aim to help the working population in Hong Kong save for retirement. As the second pillar of the retirement protection framework, the MPF System complements the other pillars by providing employment-based retirement protection.

45. The MPF System is a mandatory and privately managed retirement protection system covering employees and self-employed persons (SEPs) aged from 18 to 64. The rights and protections provided under the MPF System are equally applicable to male and female employees and SEPs, regardless of their gender. Under the MPF System, employers and their employees are each required to make regular mandatory contribution calculated at 5% of the employee's relevant income to an MPF scheme, while SEPs are required to contribute 5% of their relevant income to an MPF scheme. All mandatory contributions and any related investment return are fully and immediately vested in the employee or SEP, as the case may be, and scheme members have the rights to choose the investment choices. Scheme members can withdraw their MPF benefits upon reaching age 65 or on other specified statutory grounds (such as reaching the early retirement age of 60).

Paragraph 17

Information on the results of the review on improving statutory maternity leave (CEDAW/C/CHN-HKG/9, para. 89) and on the proposed increase of statutory paternity leave to five days (ibid., para. 91). Please provide information about the work of the Labour Department Division dedicated to foreign domestic helpers (ibid., para. 113).

46. Since 11 December 2020, the statutory maternity leave under the Employment Ordinance (Cap. 57) (EO) has been extended from 10 weeks to 14 weeks. Employers are required to pay the additional four weeks' maternity leave pay to an eligible employee on the normal pay day at the current statutory rate. Employers may apply to the HKSAR Government for full reimbursement of the additional statutory maternity leave pay paid, subject to a cap of HK\$80,000 per employee.

47. Besides, two other technical amendments also took effect at the same time to improve maternity benefits, including revising the definition of "miscarriage" under EO from "before 28 weeks of pregnancy" to "before 24 weeks of pregnancy" such that a female employee whose child is incapable of survival after being born at or after 24 weeks of pregnancy is entitled to maternity leave if other conditions are met; and accepting a certificate of attendance issued by a medical professional as documentary proof for an eligible employee to be entitled to sickness allowance for any day on which the employee has attended a medical examination in relation to her pregnancy.

48. The HKSAR Government increased the statutory paternity leave under EO from three days to five days in January 2019. Male employees with children born on or after 18 January 2019 are entitled to five days' paternity leave and paternity leave pay for each confinement of their spouses or partners if they fulfil other requirements as stipulated in EO.

49. Separately, the HKSAR Government set up in September 2020 a dedicated Foreign Domestic Helpers (FDH) Division under LD to ensure effective co-ordination and implementation of measures to enhance protection of FDHs and to provide better support to FDHs and their employers.

50. Following the establishment of the FDH Division, LD has enhanced publicity and education among FDHs and their employers, including holding seminars and briefings for FDHs and employers, staging information kiosks at popular gathering places of FDHs on rest days, producing more publicity materials and short videos, etc., to help both parties gain a deeper understanding of their respective rights and obligations, thereby improving mutual communication and maintaining cordial employment relationships. Besides, the FDH Division supports the implementation of FDH policy measures, including strengthening liaison with relevant consulates-general in the HKSAR and LEAs to ensure the provision of timely assistance to FDHs and employers in need.

Health

Paragraph 18

Information on the measures taken to provide free, friendly and confidential family-planning measures to all women, regardless of their marital status and age, and on the measures taken to provide comprehensive sexual and reproductive health education in schools.

51. Family planning services are provided to all women of childbearing age at Maternal and Child Health Centres to enable them to decide freely and responsibly the number and spacing of the children. Appropriate contraceptive methods including condom, contraceptive pills, hormonal injection, intrauterine device and post-coital/ emergency contraception are prescribed according to individual needs. Referral for sterilisation and termination of pregnancy is made for clients as appropriate. For those with subfertility problem, counseling and referral for specialist management will be arranged.

52. The Family Planning Association of Hong Kong (FPAHK) is a non-profit making organisation that advocates, promotes and provides information, education, medical and counselling services in Sexual and Reproductive Health for the community. FPAHK's five clinics and three Youth Health Care Centres aim to provide holistic and quality services in

family planning to all women in Hong Kong, regardless of their marital status and age. FPAHK also offers school sexuality education programs to help children and young people acquire accurate information, clarify their sexual attitudes, develop communications and negotiation skills, and learn to make responsible decisions in sexual relationships.

53. The HKSAR Government provides outreach interactive “Sex Education Workshop” to secondary students at schools through the Adolescent Health Programme of the Department of Health. The contents include understanding of the changes in puberty, ways to get along with the opposite gender, the importance of safe sex practices, and correct contraceptive methods.

54. At school setting, the Government has advised schools to provide holistic learning experiences for students and plan their curricula and other learning activities systematically for implementing values education (including sex education). Learning elements related to sex education include personal growth, hygiene, puberty, making friends, dating, marriage and family life, birth control and giving birth, and help-seeking. These learning elements are included in the learning areas/ subjects of primary and secondary schools (e.g. general studies at primary schools, and science subjects and life and society subjects at secondary schools) as well as moral and civic education curriculum in both primary and secondary schools. At present, schools generally follow their school mission, school circumstances and students’ needs at different stages when making comprehensive planning for their school-based sex education curriculum such as organising learning activities (e.g. talks).

55. To support schools to implement sex education, the Government has produced learning and teaching resources and encouraged schools to make reference to daily happenings to explore with students on issues such as personal growth, hygiene, dating and marriage, so as to associate their learning and developmental needs in a meaningful way. The purpose is to help students build up healthy interpersonal relationships and make decisions in a rational and objective manner by providing students with related knowledge and nurturing in them positive values and attitudes to sex-related issues.

Lesbian, bisexual, transsexual and transgender women

Paragraph 20

Information about the measures taken to combat discrimination against lesbian, bisexual, transsexual and transgender women in employment and education and in terms of access to health-care services.

56. The HKSAR Government is committed to promoting equal opportunities for persons with different sexual orientation and gender identity, including lesbian, transsexual and transgender women, with a view to nurturing the culture and values of inclusiveness and mutual respect in the community.

57. The Government has been taking measures from various aspects including preparing training materials for personnel of specific sectors (for example, medical and healthcare professionals, disciplined services, social workers, human resources professionals and teachers) to enhance their sensitivity in handling sexual minorities, drawing up a charter on non-discrimination, enhancing public education and publicity to promote non-discrimination against sexual minorities, reviewing support services, and conducting further studies on experience gained by other jurisdictions in implementing measures to eliminate discrimination against sexual minorities. In the past five years (i.e. 2017-18 to 2021-22), the HKSAR Government allocated a total of HK\$14 million for publicity and education programmes and HK\$5.1 million to the Equal Opportunities (Sexual Orientation) Funding Scheme to provide funding support for meaningful community projects which aim at promoting equal opportunities for sexual minorities. In parallel, the Government continues to promote non-discrimination in the workplace by appealing to employers to adopt the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation (the Code). So far, over 380 public and private organisations employing nearly 570 000 employees have adopted the Code.

Marriage and family relations

Paragraph 21

Information on the results of the study commissioned through the Family Council in June 2018 (CEDAW/C/CHN-HKG/9, para. 163)

58. The HKSAR Government commissioned a study through the Family Council which aims to examine, among other things, issues related to minimum marriage age. In the report of the study, the research team has analysed the rationales of adjustments to the minimum marriage age in different jurisdictions and reviewed the local situation in Hong Kong. Its findings supported Hong Kong to maintain the current minimum marriage age being 21 without parental consent and 16 with parental consent. Figures of the Hong Kong Census and Statistics Department in 2020 and 2021 showed that the number of female persons marrying for the first time at the age of 16 - 17 accounted for less than 0.08% of the total number of female persons marrying for the first time. Taking into account the findings of the study, relevant figures and other factors, the Government will maintain the existing regime for the time being and continue to keep in view the development in future.